

This is an amendment to the school laws prescribing the qualifications, the duties and the manner of electing county superintendents of education.  
On motion of

SENATOR STINSON

The Senate adjourned till 10 o'clock to-morrow morning.

### NINTH DAY.

Senate Chamber, }  
Austin, April 26, 1888. }

The Senate met pursuant to adjournment.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the chaplain, Rev. Dr. R. K. Smoot.

Pending the reading of the Journal, On motion of Senator Terrell,

The further reading of the same was dispensed with.

SENATOR GLASSCOCK

Asked to have the Journal corrected so as to show that the special committee of three, to whom was referred, yesterday, Senate bill No. 4, were clothed with full authority to examine into the title of the property sought to be leased and to report back to the Senate a substitute bill in lieu of the original bill.

Journal corrected.

### PETITIONS AND MEMORIALS.

BY SENATOR UPSHAW.

Memorial of the Texas State Geological and Scientific Association.

Referred to committee on State Affairs.

### REPORTS OF STANDING COMMITTEES.

BY SENATOR JARVIS.

Committee Room, }  
Austin, April 24, 1888. }

Honorable T. B. Wheeler, President of the Senate:

Sir—Your committee on Finance, to

whom was referred Senate bill No. 3, entitled

An act to appropriate the sum of \$250,000 for the support and maintenance of public free schools of the state out of the \$927,000 recently recovered by the state from the United States government, have had the same under consideration, and instruct me to report back to the Senate the accompany substitute with the recommendation that the substitute do pass.

All of which is respectfully submitted.

JARVIS, chairman.

Bill read first time with committee substitute.

Committee Room, }  
Austin, April 26, 1888. }

Honorable T. B. Wheeler, President of the Senate:

Sir—Your committee on Finance, to whom was referred Senate bill No. 24, entitled:

An act to amend title 95 of the Revised Statutes by amending article 4748, as amended by the regular session of the Twentieth Legislature, 1887, on page 127 of the laws, so as to provide for a more thorough and efficient means for the collection of taxes, have had the same under consideration, and instruct me to report it same back to the Senate with recommendation that it do pass.

All of which is respectfully submitted.

JARVIS, chairman.

Bill read first time.

BY SENATOR M'DONALD.

Committee Room, }  
Austin, April 26, 1888. }

Honorable T. B. Wheeler, President of the Senate:

Sir—Your judiciary committee, No. 1, to whom was referred Senate bill No. 28, entitled

An act to provide for the annual apportionment of the available public free school fund to the various counties, cities and towns which have assumed control of their schools and to the various school districts and communities in the different counties, have had the same under consideration,

and a majority of your committee instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendment:

Amend the bill by striking out all after the second section.

All of which is respectfully submitted.

McDONALD, for committee.

Bill read first time with committee amendment.

BY SENATOR GREGG:

Committee Room, }  
Austin, April 25, 1888. }

Honorable T. B. Wheeler, President of the Senate:

Sir—We, the undersigned, a minority of your Judiciary committee No. 1, beg leave to dissent from the report of the majority of said committee, made upon Senate bill No. 28, in so far as said report seeks to amend said bill by striking out all after section 2.

The object of so much of said bill as is sought to be stricken out is to secure the annual return to the available school fund all balances held by counties, which have not made and are not making bona fide efforts to use said fund for school purposes. At the same time it provides for the protection from the operation of some of such school districts and communities, as in good faith use and apply said fund for the purposes for which it was apportioned, but which for good and prudential reasons retain balances from one year to another. This we think just, wise and proper. We, therefore, recommend that said amendment be not adopted and that said bill do pass.

GREGG.  
TERRELL.  
BELL.

BY SENATOR M'DONALD:

Committee Room, }  
Austin, April 25, 1888. }

Honorable T. B. Wheeler, President of the Senate.

Sir—Your Judiciary committee No. 1 to whom was referred Senate bill No. 1 entitled

An act to require county treasurers of the several counties of the State of Texas to report surplus of school funds to Board of Education and to provide

how school fund shall be distributed and to provide penalties for failure to make such report, have had the same under consideration, and a majority of your committee instruct me to report it back to the Senate with the recommendation that the accompanying substitute do pass in lieu thereof.

SUBSTITUTE CAPTION.

A bill to be entitled an act to provide for the return of any portion of the available public free school fund remaining on hand with county, city or town treasurers at the close of each scholastic year to the state treasurer.

All of which is respectfully submitted.

McDONALD, for committee.

Read first time with committee substitute.

BY SENATOR GREGG:

Committee Room, }  
Austin, April 23, 1888. }

Honorable T. B. Wheeler, President of the Senate:

We, the undersigned minority of your Judiciary committee No. 1, beg leave to dissent from the report of the majority of said committee made upon Senate bill No. 1, which provides for the annual return to the available school fund all balances held by counties, cities and towns and school communities and districts, and we beg leave to file this, our minority report:

We object to said bill and to said majority report because, in our judgment, the only desirable object of such legislation, as is contemplated in said bill, is to secure the return to the available school fund the accumulated balance held by such counties as are not making and have not made any bona fide effort to use for school purposes the fund apportioned to them.

In such cases, we claim that such counties, by not performing the purposes and conditions of the trust upon which such fund was apportioned, forfeit their right to retain the same, and the State has the power to declare such forfeiture and to compel the return of such fund.

This bill undertakes more and seeks to compel the annual return of all State school funds held by all counties, cities and towns and school districts and communities. This we regard as unjust to a great number of cities and towns and school districts and com-

munities which, in good faith, use and apply their school fund for the purposes for which it was apportioned, but for good cause and prudential reasons carry over balances from one year to another.

We, therefore, recommend that said bill do not pass.

GREGG.  
TERRELL.  
BELL.

## BILLS AND RESOLUTIONS.

BY SENATOR GARRISON:

A bill to be entitled an act to amend articles 4756 and 4758, title 95, chapter 4, Revised Civil Statutes, and to add article 4756a, so as to provide a lien in favor of purchasers of tax sales when said sales are invalid by reason of informalities in assessment rolls.

Referred to the committee on Finance.

The bill seeks to perfect tax titles and substitutes the present redemption law, as follows:

The owner of any real estate sold for taxes, or his heirs or assigns or legal representatives, may, within two years from the date of sale, redeem the estate sold by paying or tendering to the purchaser, his heirs or legal representatives, within twelve months, the actual amount of money paid for the land with twenty-five per cent added thereto; or, if within two years, the actual amount of money paid for such land with fifty per cent added thereto.

Provided, that the owner shall in no event have a longer time than two years within which to redeem the land sold for taxes.

## THE PRESIDENT

of the Senate gave notice of signing House bill No. 15.

An act making an appropriation to defray the contingent expenses of the Twentieth Legislature, convened April 16, 1888, by proclamation of the Governor, and did sign the same in open session of the Senate.

## MESSAGE FROM THE HOUSE.

The following message was received from the House of Representatives:

House of Representatives }  
Austin, April 26, 1888. }

Honorable T. B. Wheeler, President of the Senate:

Sir—I am directed by the House to inform the Senate that the House concurs in the Senate's amendment to House bill No. 16:

An act to amend article 566, chapter 2, title 20 of the Revised Civil Statutes of the State of Texas as amended by the Twentieth Legislature, approved March 23, 1888.

Also, that the House has passed House bill No. 36, entitled

An act to repeal chapter 43 authorizing the payment of taxes of non-residents of the counties to be made at the comptroller's office, approved March 22, 1879.

WILL LAMBERT.

Chief Clerk House of Representatives

House bill No. 36 was referred to committee on Finance.

Senate bill No. 6, a bill to be entitled

An act making an appropriation for the purchase by the State of Texas of 263 acres of land, more or less, adjoining the State Lunatic Asylum grounds at Austin.

Was laid before the Senate and read second time, with majority favorable and minority unfavorable committee reports.

## SENATORS UPSHAW AND WOODS

Spoke in favor of the majority (favorable) report.

## SENATORS WOODWARD AND CLAIBORNE

Spoke in favor of the minority (unfavorable) report.

## SENATOR MACMANUS

Raised the point of order that it was not in order to discuss the minority report, as no motion to adopt it had been made, and he moved to substitute the minority unfavorable for the majority favorable committee report.

Senators Macmanus, Allen, Stinson, Claiborne, Woodward and Burges spoke in favor of the motion, and Senators Woods, Field, Upshaw, Armistead and Glasscock spoke against the motion.

The minority report killing the bill was adopted by the following vote:

Yeas—16.

Allen	Garrison
Bell	Gregg
Burges	Jarvis
Camp	Knittle
Claiborne	Lane
Davis	Macmanus
Douglass of J	Stinson
Douglass of G	Woodward

Nays—11.

Armistead	McDonald
Burney	Simkins
Calhoun	Terrell
Field	Upshaw
Frank	Woods
Glasscock	

Senate bill No. 16.

An act to define certain needed improvements and additions to the Blind Asylum, and to make appropriations therefor was laid before the Senate and read second time.

SENATOR M'DONALD

Spoke in favor of the bill, and offered the following amendment to the public necessity clause.

Amend section 3 by substituting in lieu thereof the following:

Section 3—The present inadequacy of accommodations at the Blind Asylum and the necessity for an immediate enlargement thereof, creates an emergency that demands that this act takes effect from and after its passage, and it is so enacted.

Adopted.

And the bill was ordered engrossed.

Senate bill No. 14.

An act to create and maintain the office of the State Geologist and to define the duties and prescribe the salary thereof, was laid before the Senate and read second time, and on motion of

SENATOR STINSON,

the bill was postponed and made the special order for to-morrow after morning call, and from day to day till disposed of.

Senate bill No. 17.

An act to provide for the improvement and repairing of the State Deaf and Dumb Asylum and for the en-

largement of the same and to make an appropriation therefor,

Was laid before the Senate and read second time and was ordered engrossed.

Senate bill No. 18.

An act to extend the time within which lands that have been sold for taxes and bought in by the State may be redeemed,

Was laid before the Senate and read second time.

SENATOR FRANK

Spoke in favor of the bill and it was ordered engrossed.

Senate bill No. 20.

An act to make an appropriation for buildings, repairs, improvements and water supply at Prairie View Normal School, was laid before the Senate and read second time with committee substitute.

On motion of Senator Douglas of Jefferson,

The committee substitute was adopted, and the bill as substituted was ordered engrossed.

By leave bills and resolutions were introduced as follows:

BY SENATOR WOODWARD:

An act to make an appropriation for the support and maintenance of the quarantine department to the first of March, 1889.

Referred to committee on finance.

Appropriates \$40,000.

BY SENATOR GLASSCOCK:

A bill to be entitled an act to provide for the reception of the new state capitol.

Referred to Judiciary committee No. 1.

BY SENATOR CLAIBORNE:

Senate concurrent resolution:

Be it resolved by the Senate of Texas, the House of Representatives concurring,

That the extra session of the Twentieth Legislature do adjourn sine die, Saturday, the 12th day of May, at 12 o'clock noon, or at an earlier date if the business under the call is disposed of.

On motion of Senator Stinson,

The Senate adjourned till 10 o'clock to-morrow morning.